

IN RE: DEVELOPMENT PLAN HEARING and
PETITIONS FOR SPECIAL HEARING
AND VARIANCE - NE/Corner
Brannan & Welsh Avenues
(2515 Brannan Avenue)
15th Election District
7th Councilmanic District

Edgemere Free Methodist Church
Owner/Developer

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. XV-676 and 99-34-SPHA

*

* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for consideration of a development plan prepared by APR Associates, Inc., for the proposed development of the subject property by Edgemere Free Methodist Church, Owner/Developer, with a 48' x 80' building to provide Sunday School classrooms and office space accessory to the existing Church. In addition to development plan approval, the Owner/Developer seeks zoning relief, pursuant to the Petitions for Special Hearing and Variance filed in companion Case No. 99-34-SPHA. Specifically, the Church seeks approval that the proposed building is permitted as of right in a D.R. 5.5 zone, pursuant to Section 1B01.1.A.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) as a new church or other building for religious worship or other religious institution; a finding that the subject site and proposed building comply to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1B01.B.1.G.6 of the B.C.Z.R.; and, approval of a modified parking plan, pursuant to Section 409.12.A of the B.C.Z.R. In addition, variance relief is sought from Section 1B01.2.C.1.A of the B.C.Z.R. to permit a front setback of 29 feet in lieu of the required 40 feet, a rear setback of 8 feet in lieu of the required 40 feet, and a side setback of 13 feet in lieu of the required 30 feet; and, from Section 409.8.A.1, 2, 4, and 6, to permit a parking lot and driveways

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without a durable and dustless surface, without striping, and with a common aisle, as shown on the plan, and parking lot to street line setbacks of as little as 3 feet in lieu of the required 10 feet, and without the required 7% landscaped island or area. In the alternative to the special hearing request seeking RTA modification, a variance is requested to permit RTA buffers of as little as 0 feet and RTA setbacks of as little as 3 feet in lieu of the required 50 feet and 75 feet, respectively, pursuant to Sections 1B01.1.C.E.3 and 5. All of the relief sought and the development proposed are more particularly shown on the development plan submitted into evidence and marked as Developer's/Petitioner's Exhibit 1.

As to the history of this project through the development review process, a concept plan of the proposed development was prepared and a conference held thereon on April 15, 1996. As required, a community input meeting was held on May 15, 1996 at the Edgemere Free Methodist Church. Subsequently, the concept plan was redrafted and a revised concept plan was submitted for review at a conference held on June 16, 1997. A second community input meeting was held on July 23, 1997 at the Edgemere Free Methodist Church. Subsequently, a development plan was submitted and a conference held thereon on August 5, 1998. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of Baltimore County and a revised development plan incorporating these comments was submitted at the hearing held before me on August 31, 1998.

Appearing at the public hearing required for this project were Timothy Rush, Pastor of the Edgemere Free Methodist Church, Alexander P. Ratych, Registered Land Surveyor, who prepared the development plan for this project, Richard Truelove, who prepared the storm water management

plan for this property, and Newton A. Williams, Esquire, attorney for the Owner/Developer. In addition, a number of citizens and members of the congregation appeared in support of the request. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including Robert W. Bowling with the Development Plans Review Division of the Department of Permits and Development Management (DPDM), R. Bruce Seeley and Ed Schmaus with the Department of Environmental Protection and Resource Management (DEPRM), and Carol McEvoy with the Office of Planning (OP). Appearing as Protestants in the matter were James and Norma Sellers, and Joseph W. Patterson, neighbors to the property.

The subject property is a rectangular shaped parcel, approximately 340' deep and 95' wide, consisting of a gross area of 0.7395 acres, split zoned D.R.5.5 (0.7289 acres), with a small strip zoned B.L.-A.S. (0.0106 acres). The property is located in Edgemere and abuts public streets on three sides; to the west, Brannan Avenue; to the south, Welsh Avenue; and to the east, S. Marine Avenue. To the north, the property abuts a service garage business. Presently, this parcel features a small building containing church offices and a gravel parking lot. Under the proposed plan, this building will be razed upon completion of the new building.

Immediately across Brannan Avenue from the subject site is another lot owned by the Church, known as 2510 Brannan Avenue, and identified on the plan as Parcel 1. Parcel 1 is improved with a 1 and 1/2 story stone building which is used as the sanctuary/chapel of the Edgemere Free Methodist Church. Due to a series of additions and improvements which have been made over the years, the Church building is attached to an old two-story house, which has been converted for Church purposes. Testimony

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and evidence received was that this Church has existed at this location for many years.

Pastor Rush testified that the Church would like to enlarge its space and is in desperate need of a bigger facility. A two-phase expansion is planned; however, it is noted that the development plan under consideration before me involves only Phase 1 of the project, which calls for the construction of the proposed 48' x 80' building on the subject property. This building will be used for Sunday School classes and will also provide much needed administrative and office space. Additionally, the existing parking lot and small building will be razed and a new parking lot created to provide parking for both the Church and proposed Sunday School/Office building.

Ultimately, the Church desires to build a second structure on the subject property. Under Phase II of the proposed improvements, a future sanctuary building will be constructed to replace the existing Church. It is again, however, to be emphasized that the plan before me in the instant case relates only to Phase I. It was also indicated that upon completion of the Phase II improvements, Parcel 1 might be sold by the Church and Church operations transferred entirely to Parcel 2.

As to the special hearing and variance relief sought, Mr. Truelove testified in some detail about the proposed setbacks, RTA requirements, and the proposed parking plan. Testimony as to the parking lot was of particular interest. He observed that this lot is very flat in character as is the entire surrounding community. The property is located near Jones Creek in a limited development area of the Chesapeake Bay Critical Areas. Due to these environmental constraints and regulations, a pervious parking surface is planned. Mr. Truelove described the proposed parking

plan which is also detailed on the site plan. That detail shows that the lot will be composed of gravel and will contain several layers which will provide storm water management.

Pastor Rush also testified as to the use of the proposed building. As indicated above, it will be used to provide much needed office space and Sunday School classrooms. His testimony was compelling to support the finding that the proposed building is indeed a building which will be used for religious worship and is therefore, permitted as of right in a D.R. 5.5 zone.

Based upon the testimony and evidence presented by Pastor Rush and Mr. Truelove, I am persuaded to grant the special hearing and variance relief requested. In my judgment, the proposed building is permitted as of right in a D.R. 5.5 zone as a building used for religious purposes. I further find that the site complies to the extent possible with RTA requirements and that a modified parking plan should be approved. In addition, the variances to permit reduced front, side and rear setbacks should be granted. The unusual configuration of the property was persuasive in this regard. It is clear that a denial of the variance relief would result in a practical difficulty upon the Petitioner and that relief can be granted without causing any detriment to surrounding properties. Thus, in view of the special hearing relief granting a modified parking plan and a finding that the RTA requirements are satisfied to the extent possible, the variances requested as to the parking lot and RTA requirements are moot and shall be dismissed.

Turning to the development plan, testimony was received from Mr. Truelove and the County representatives who were present. On behalf of the Office of Planning, Ms. McEvoy indicated that her office had no addi-

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By [Signature]

tional comments and believed that the proposed building is compatible with the area. Mr. Bowling noted that a waiver had been recommended for the required road improvements to the adjacent roads; i.e., curb, gutter, sidewalks, and road widening. Mr. Seeley also indicated that the project satisfied his Department's requirements. He also produced Mr. Schmaus, who testified as to the storm water management plan.

Generally, it appears that the development plan is appropriate and in accordance with all necessary standards, as codified within the development regulations. These standards are essentially set forth in Section 26-203 of the Code. That Section specifically sets forth the items which must be shown on the plan. One item of concern, however, is the requirement of Section 26-203(d)(10). Therein, it is provided that the plan must show, "storm water management areas supported by preliminary hydraulic computations, and proposed and existing storm drainage systems, and verification of a suitable outfall." (emphasis added)

There was a great deal of testimony offered by Mr. Truelove, Mr. Schmaus, and the citizens who appeared about drainage conditions in the area. As noted above, the entire Edgemere area is very flat and apparently there is no significant storm drain system in the vicinity. Additionally, testimony was offered demonstrating that during heavy rain, much of the area floods in view of the topography of this community and its proximity to the water.

I am appreciative of the fact that the development plan to be reviewed by the Hearing Officer is not finitely engineered. Clearly, much of the engineering required of the plan will be performed during Phase II of the development review process. Nonetheless, Section 26-203(d)(10) of the Code requires that a suitable drainage outfall be verified. At this

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By [Signature]

point, I am unable to reach the conclusion that same has been accomplished. Specifically, I am concerned about the discharge of the storm water when it leaves the site, and whether there will be any adverse consequences on properties in the vicinity. Specifically, the Owner/Developer/Petitioner must demonstrate that water discharged from the site can be directed at a volume and with a velocity so as to not cause detrimental impact to surrounding properties.

Under the circumstances, I will withhold approval of the development plan at this time, and will remand the case to the development plan conference phase of the development review process. I shall also direct that the Department of Environmental Protection and Resource Management conduct a site investigation of the property and vicinity to verify that a suitable outfall exists. I urge the Owner and its consultants to work with Baltimore County to remedy this deficiency on the present development plan. Once a suitable outfall is substantiated, the matter shall be reset for a continued Hearing Officer's Hearing, at which time testimony and evidence can be presented to support a finding that a suitable outfall has been provided. Although the property does not have to be reposted and readvertised, notification of the hearing should be sent to those who attended the initial Hearing Officer's Hearing. The balance of the plan appears appropriate and there were no other issues sufficient to warrant a denial of same.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the Petitions for Special Hearing and Variance, as modified, shall be granted, and the development plan remanded to the Development

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Date 9/14/08
By [Signature]

Plan Conference phase for verification that a suitable outfall has been provided, after which a second Hearing Officer's Hearing will be held.

THEREFORE, IT IS ORDERED by the Zoning Commissioner/Hearing Officer for Baltimore County this 14th day of September, 1998 that the development plan for Edgemere Free Methodist Church, shall be REMANDED to the Development Plan Conference Phase to substantiate that a suitable drainage outfall has been provided; and;

IT IS FURTHER ORDERED that Petition for Special Hearing to approve that the proposed building is permitted as of right in a D.R. 5.5 zone, pursuant to Section 1B01.1.A.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) as a new church or other building for religious worship or other religious institution; a finding that the subject site and proposed building comply to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1B01.B.1.G.6 of the B.C.Z.R.; and, a modified parking plan, pursuant to Section 409.12.A of the B.C.Z.R., in accordance with Petitioner's/Developer's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.A of the B.C.Z.R. to permit a front setback of 29 feet in lieu of the required 40 feet, a rear setback of 8 feet in lieu of the required 40 feet, and a side setback of 13 feet in lieu of the required 30 feet; and, from Section 409.8.A.1, 2, 4, and 6, to permit a parking lot and driveways without a durable and dustless surface, without striping, and with a common aisle, as shown on the plan, and parking lot to street line setbacks of as little as 3 feet in lieu of the required 10 feet, and without the required 7% landscaped island or area, in accordance with Petitioner's/Developer's Exhibit 1, be and is hereby GRANTED; and,

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By [Signature]

IT IS FURTHER ORDERED that the alternative relief sought within the Petition for Variance to permit RTA buffers of as little as 0 feet and RTA setbacks of as little as 3 feet in lieu of the required 50 feet and 75 feet, respectively, pursuant to Sections 1B01.1.C.E.3 and 5, be and are hereby DISMISSED AS MOOT.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.



LAWRENCE E. SCHMIDT
Hearing Officer
for Baltimore County

LES:bjs

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Date

By



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

September 14, 1998

Newton A. Williams, Esquire
Nolan, Plunhoffs & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING AND PETITIONS FOR SPECIAL HEARING & VARIANCE
Edgemere Free Methodist Church, NE/Corner Brannan & Welsh Avenues
(2515 Brannan Avenue)
15th Election District - 7th Councilmanic District
Edgemere Free Methodist Church - Owner/Developer
Case Nos. XV-676 and 99-34-SPHA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance, as modified, have been granted, and the Development Plan remanded to the Development Plan Conference phase of the development review process, in accordance with the attached Order. As noted within the attached Opinion, upon verification that a suitable outfall has been provided on the subject property, a second Hearing Officer's Hearing will be held for consideration of the development plan, only.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Hearing Officer
for Baltimore County

LES:bjs

cc: Pastor Timothy Rush, Edgemere Free Methodist Church
2510 Brannan Avenue, Baltimore, Maryland 21219
Mr. Alexander P. Ratych, APR Associates, Inc.
7427 Harford Road, Baltimore, Md. 21234
Mr. Richard Truelove, 28 E. Susquehanna Avenue, Towson, Md. 21204

Mr. & Mrs. James F. Sellers, Jr., 2415 Carolyn Ave, Baltimore, Md. 21219
Mr. James W. Patterson, 2505 Welsh Avenue, Baltimore, Md. 21219
Project Mgr., DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File





CBCA 34
APR
BL-AS

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County
for the property located at 2515 Brannon Avenue
which is presently zoned D.R.5.5.

This Petition shall be filed with the Department of Permits and Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owners(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zip Code

Attorney for Petitioner:

NEWTON A. WILLIAMS, NPAW
(Type or Print Name)

Signature

Address

Phone No.

City

State

Zip Code

Legal Owner(s):

Edgemere Free Methodist Church

(Type or Print Name)

Signature

TIM RUSH
(Type or Print Name)

Signature

2510 Brannon Avenue

Address

410-477-5340

Phone No.

Baltimore

City

MD

State

21204

Zip Code

Name, Address and phone number of representative to be contacted.

Pastor Tim Rush

Name

Edgemere Methodist Church

2510 Brannon Avenue

Baltimore, MD 21204

Address

Phone No.

Office Use Only

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

99-34-SPAA

ORDER RECEIVED FOR FILING

Date

By



Petition for Variance

CBCA 3A

to the Zoning Commissioner of Baltimore County
for the property located at 2515 Brannan Avenue

which is presently zoned D.R.5.5./BL-AS

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section(s)

See attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owners(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zip Code

Legal Owner(s):

Edgemere Free Methodist Church

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2510 Brannan Avenue

Address

410-477-5340

Phone No.

Baltimore

MD

21204

City

State

Zip Code

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

Office Use Only

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

ORDER RECEIVED FOR FILING

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By



34

REVIEW DRAFT MODIFIED PER
SCHEDULED JULY 14 TH AND 16TH
MEETINGS AT DMW
AND KELLMAN, DMW, REVIEW ON 7/14

PROJECTED FILING DATE, JULY 16TH
REVISIONS PER JOHN LEWIS ON JULY 17TH
FILING MEETING

FILING SCHEDULED WITH CARL RICHARDS
ON MONDAY JULY 20TH, A.M

JOINT DEVELOPMENT PLAN /ZONING
AND
OTHER RELIEF HOH DATE TO BE
ASSIGNED SAME TIME
BY MRS. SOPHIE JENNINGS
AND PUBLICATION TO BE CONFIRMED

DEVELOPMENT PLAN HEARING SIGN TO
BE POSTED BY
TUESDAY, JULY 21ST

ZONING RELIEF SIGN TO BE POSTED
15 DAYS PRIOR TO HEARING

EDGEMERE FREE METHODIST CHURCH

PROPOSED OFFICE AND CLASSROOM BUILDING

SPECIAL HEARING REQUESTS

SPECIAL HEARING PER SECTION 500.7 : THE ENTIRE DR 5.5 SITE IS SUBJECT TO RTA REQUIREMENTS,
THUS A SPECIAL HEARING IS REQUESTED TO CONFIRM:

1. THIS BUILDING IS ELIGIBLE AS " A NEW CHURCH OR OTHER BUILDING FOR RELIGIOUS WORSHIP OR OTHER RELIGIOUS INSTITUTION", AND IS PERMITTED AS A MATTER OF RIGHT IN A DR 5.5 ZONE, PER SECTION 1B01.1 .A. 3. [BCZR]., THOUGH AT THIS TIME IT WILL NOT CONTAIN A SANCTUARY.
2. THAT THE SITE AND BUILDING COMPLY TO THE EXTENT POSSIBLE WITH RTA USE REQUIREMENTS, WHICH WILL BE MAINTAINED, AND THEY ARE OTHERWISE COMPATIBLE WITH THE CHARACTER AND GENERAL WELFARE OF THE SURROUNDING PREMISES. PER SECTION 1B01.B.1.G.6 .[BCZR].
3. FOR A MODIFIED PARKING PLAN AS SHOWN, PER SECTION 409.12 A. [BCZR].

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REQUESTED VARIANCES

THE FOLLOWING VARIANCES ARE REQUESTED FROM THE BCZR:

1. FROM SECTION 1BO1.2 C. 1. A., TO PERMIT A FRONT SETBACK OF 29 FEET IN LIEU OF THE REQUIRED 40 FEET, TO PERMIT A REAR SETBACK OF 8 FEET IN LIEU OF THE REQUIRED 40 FEET AND A SIDE SETBACK OF 13 FEET IN LIEU OF THE REQUIRED 30 FEET.
2. FROM SECTION 409.8 A.1. 2., 4., AND 6. TO PERMIT A PARKING LOT AND DRIVEWAYS WITHOUT A DURABLE AND DUSTLESS SURFACE, WITHOUT STRIPING, AND WITH A COMMON AISLE AS SHOWN, AND PARKING LOT TO STREET LINE SETBACKS OF AS LITTLE AS 3 FEET FOR THE REQUIRED 10 FEET, AND WITHOUT A 7% LANDSCAPED ISLAND OR AREA.
3. IN THE ALTERNATIVE TO THE SPECIAL HEARING RE RTA MODIFICATION, TO PERMIT RTA BUFFERS OF AS LITTLE AS ZERO[0] FEET AND RTA SETBACKS OF AS LITTLE 3 FEET IN LIEU OF THE REQUIRED 50 FEET AND 75 FEET RESPECTIVELY, PER SECTIONS 1BO1.1 B. c. AND E.3. AND 5.

REQUESTED WAIVERS

1. WAIVERS OF DPW STANDARDS FOR CURB, GUTTER AND SIDEWALKS, AS RECOMMENDED BY DPW AND THE DRC; DUE TO TIGHT, NARROW SITE, REQUIRED BUILDING WIDTH AND ROOM FOR SCREENING AND LANDSCAPING, ALL AS SHOWN ON THE SCHEMATIC LANDSCAPE AND DEVELOPMENT PLAN.

**REASONS FOR REQUESTED VARIANCES, AND WAIVERS
AND
SPECIAL HEARING REQUESTS**

1. THE PRESENT CHURCH IS SMALL AND OUTDATED, AND TO MORE ADEQUATELY SERVE ITS CONGREGATION, THE PROPOSED NEW BUILDING IS SOUGHT TO BE ADDED..
2. THE NEW, UPGRADED SITE BETWEEN BRANNAN AVENUE AND SOUTH MARINE AVENUE IS ONLY ONE LOT IN DEPTH, AND THE STREETS ARE CLOSE TOGETHER, LIMITING SITE USE AND COMPLIANCE WITH USUAL DEVELOPMENT, ZONING AND DPW STANDARDS.
3. THE PROPOSED NEW OFFICE AND CLASSROOM BUILDING MUST BE OF SUFFICIENT SIZE AND DEPTH TO SERVE ITS PURPOSES.
4. THE NEW SITE CAN ONLY PROVIDE LIMITED OFF STREET PARKING, AND THE NEW LOT CAN BE OF SUFFICIENT SIZE AND WIDTH TO MANUEVR AND TO PARK TWO BAYS OF CARS, BUT ONLY AS A PART OF A DEVELOPMENT PLAN WITH THE RELIEF REQUESTED.
5. THE NEW SITE WILL BE ATTRACTIVE AND WILL FIT INTO, AND BE COMPATIBLE WITH AND SERVE THE EDGEMERE COMMUNITY AND THE EXISTING CHURCH.
6. THE NEW BUILDING WILL BE ATTRACTIVE, AND IT WILL BE APPROPRIATE IN SIZE, DESIGN, MATERIALS, ROOF TREATMENT, COLORS AND HEIGHT, AND WILL BE OF A COMPATIBLE DESIGN AND CONSTRUCTION AS SHOWN IN THE ELEVATIONS..

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7. THE FRONTAGES ON THE STREETS BRANNAN ,MARINE AND WELSH ARE OF SUCH LENGTHS ,PRESENTLY WITHOUT CURBS, GUTTERS AND SIDEWALKS, AS IS VIRTUALLY THE ENTIRE EDGEMERE AREA,

, AND THERE IS NO NEED FOR THEM, WITH A NEED FOR SETBACK AREAS WITH MODIFIED LANDSCAPING AS PROPOSED AND RECOMMENDED FOR APPROVAL BY ALL AGENCIES AND THE D.C.

8.. THAT THE NEW BUILDING WILL FOSTER THE HEALTH, SAFETY AND WELFARE OF THE AREA AS PROPOSED WITH THE RELIEF REQUESTED.

9. THAT THE PROPOSED PERVIOUS PARKING AREA, INCAPABLE OF HOLDING STRIPING, IS NEEDED BECAUSE THE SITE IS IN THE CRITICAL AREAS, AND THERE IS A REQUIREMENT TO LIMIT THE IMPERVIOUS AREA ON THE SITE TO LESS THAN 15 PER CENT.

10. THAT THERE IS PRESENTLY SOME INFORMAL , PERVIOUS ONSITE PARKING PROVIDED, AND IF NO NEW LOT IS APPROVED AS AN ALTERNATIVE, THE SITE AND AREA WILL BE ADVERSELY AFFECTED.

11. THAT THE SITE IS UNIQUE , AND THERE ARE SPECIAL CIRCUMSTANCES TO JUSTIFY GRANTING THE REQUESTED RELIEF; AND WITHOUT SUCH RELIEF THE CHURCH, THE PETITIONER, AND ITS CONGREGATION AND THE NEIGHBORHOOD, ALL WILL SUSTAIN PRACTICAL DIFFICULTY AND UNREASONABLE HARDSHIP , AND THE RELIEF REQUESTED IS IN ACCORD WITH THE SPIRIT AND INTENT OF THE REGULATIONS, AND IS THE MINIMUM REQUIRED.

12. FOR SUCH OTHER AND FURTHER REASONS AS THE PROCESS AND REVIEW SHALL DISCLOSE.

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Date

By

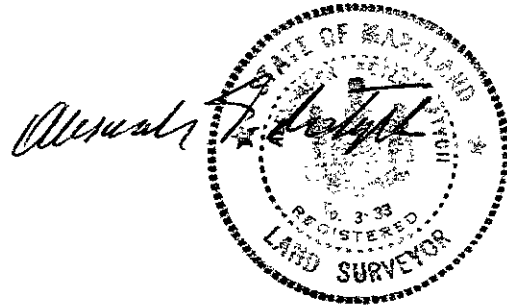
9/14/98
Jepo

ZONING DESCRIPTION FOR 2515 BRANNAN AVENUE

BEGINNING at a point of the intersection on the North side of Welsh Avenue, 20 feet wide, with the West side of S. Marine Avenue, 25 feet wide; thence running with the North side of Welsh Avenue South 89 degrees 23 minutes 35 seconds West 99.63 feet to intersect the East side of Brannan Avenue, 30 feet wide; thence binding thereon North 03 degrees 20 minutes 25 seconds West 333.37 feet to a point; thence leaving Brannan Avenue and running North 87 degrees 01 minutes 57 seconds East 92.61 feet to intersect the beforementioned West side of S. Marine Avenue; thence binding thereon South 04 degrees 30 minutes 47 seconds East 337.59 feet to the point of beginning; containing 0.7395 acres.

As recorded in the three following Deeds: Liber 6892, Folio 573; Liber 6475, Folio 258; Liber 8174, Folio 712.

07/16/98



7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax: (410) 444-1647

99.34-SPHA

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
 PETITIONS FOR SPECIAL HEARING
 AND VARIANCE – NE/Corner * ZONING COMMISSIONER
 Brannan & Welsh Avenues * OF BALTIMORE COUNTY
 (2515 Brannan Avenue)
 15th Election District5 * CASE Nos. XV-676 and 99-34-SPHA
 7th Councilmanic District
 Edgemere Free Methodist Church *

* * * * *

SUPPLEMENTAL HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for supplemental proceedings, pursuant to the Hearing Officer's Opinion and Development Plan Order dated September 14, 1998. That Order directed that the matter be remanded to the Development Plan Conference phase to substantiate that a suitable drainage outfall for storm water management had been provided on the development plan (Developer's Exhibit 1). Further, that Order granted special hearing and variance relief as fully set forth therein. Other portions of the Petition for Variance previously filed were dismissed as moot.

The subject property under consideration contains approximately .7395 acres in area, split zoned D.R.5.5, with a small strip zoned B.L.-A.S. The property is located in Edgemere and abuts public streets on three sides; namely, to the west, Brannan Avenue, to the south, Welsh Avenue, and to the east, S. Marine Avenue. The property has been owned by the Edgemere Free Methodist Church for many years and is presently improved with buildings dedicated to use by that congregation. Development plan approval, as well as zoning relief were requested for a series of improvements to the property, all as more particularly set forth on the development plan (Developer's Exhibit 1). At the prior Hearing Officer's Hearing held on August 31, 1998, testimony was received from representatives of the Church and several neighbors who appeared. As a result of that testimony, I remanded

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Date

by

12/24/98
 [Signature]

the matter for further proceedings at the Development Plan Conference phase. I expressed a particular concern about the proposed method of storm water management. Section 26-203(d) (10) of the Baltimore County Code provides that the development plan must show "storm water management areas supported by preliminary hydraulic computations, and proposed and existing storm drainage systems, and verification of a suitable outfall." The property is low-lying in character, and apparently, has experienced flooding in the past. Thus, I required that the Developer submit further information to verify the viability of the storm water management plan.

The public hearing held for this case was reconvened on December 29, 1998. At that time, a number of representatives of the Church again appeared, including Richard Truelove, the engineer who prepared the storm water management plan. Other individuals who appeared at that time were Alexander P. Ratych, a registered Land Surveyor, who prepared the Development Plan, and Newton A. Williams, Esquire, attorney for the Owner/Developer. No protestants appeared at the hearing, notwithstanding the fact that notice of the hearing was mailed to them. However, a message was received on my office's voice mail system from Norma Sellers, a resident of the area, who expressed opposition to the request. Many of her objections related to development in the area at large, as opposed to this specific project. Additionally, James W. Patterson called and indicated that he would not be able to attend the hearing for reasons of ill health. However, he did indicate that he had no objections to the proposal, for so long as any improvements were on the other side of Welsh Avenue, the street which abuts his property on the north and the Church property on the south.

At the reconvened hearing, Mr. Truelove explained the particulars of the storm

COURTESY REC'D FOR FILING

Date

By

water management system. He indicated that he and Edward Schmaus of the Storm Water Division of the Department of Environmental Protection and Resource Management had met at the site following the first hearing, and had walked the neighborhood. He described the outfall in detail and indicated that storm water which accumulated on the site would be properly directed to Jones Creek, a nearby water resource. Mr. Truelove also indicated that much of the existing slag on the property would be removed and replaced with pervious surface. This will result in less runoff and should improve drainage conditions, not only on the subject site, but the surrounding area as well. In addition, a hand-written letter from Mr. Schmaus to this Zoning Commissioner, dated November 10, 1998 and marked into evidence as Developer's Exhibit 4, describes his findings, based upon his inspection of the site and surrounding area. Mr. Schmaus believes that the runoff from the property will not be increased as a result of the proposed improvements, since a large area of slag will be removed and the proposed parking lot will store a substantial quantity of runoff. Furthermore, in his opinion, the proposed improvements to the site will not change the runoff characteristics or drainage patterns, and thus, there is a suitable outfall for this project.

Based upon the testimony and evidence presented, I am persuaded that the storm water management issue has now been resolved. In my judgment, the development plan now complies with all of the requirements of the Baltimore County Code and development regulations contained therein. Thus, the plan shall be approved.

Further, I will note herein that I relayed the concerns expressed by the Protestants who did not appear at the hearing to the Developer's representatives. Mr. Truelove indicated at the hearing that there would be no improvements to Welsh Avenue on Mr. Patterson's side of the street. Any widening of that road will be on the side which abuts the Church property.


Thus, Mr. Patterson's concern appears to have been addressed. As to the numerous comments made by Ms. Sellers, I am persuaded that the plan is in compliance with all County regulations. In fact, I believe that the proposed improvements will actually improve drainage conditions in the area. As to her other expressed concerns regarding over-development of the area, highway construction and property taxes; they are beyond the scope of my inquiry in this particular case.

Pursuant to the advertisement, posting of the property and public hearing held, the development plan has been approved, in accordance with the comments contained herein.

THEREFORE, IT IS ORDERED by the Zoning Commissioner/Hearing Officer for Baltimore County this 30th day of December, 1998 that the development plan for Edgemere Free Methodist Church, shall be APPROVED; and;

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued September 14, 1998 shall remain in full force and effect.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.


LAWRENCE E. SCHMIDT
Hearing Officer
for Baltimore County

LES:bjs

cc: Newton A. Williams, Esquire, Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700, Towson, Md. 21204
Pastor Timothy Rush, Edgemere Free Methodist Church
2510 Brannan Avenue, Baltimore, Maryland 21219
Mr. Alexander P. Ratych, APR Associates, Inc.
7427 Harford Road, Baltimore, Md. 21234
Mr. Richard Truelove, 28 E. Susquehanna Avenue, Towson, Md. 21204

Mr. & Mrs. James F. Sellers, Jr., 2415 Carolyn Ave, Baltimore, Md. 21219
Mr. James W. Patterson, 2505 Welsh Avenue, Baltimore, Md. 21219
Project Mgr., DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File

COPIES DESTROYED FOR FILING
12/30/98
Bjs

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 7/20/98 ACCOUNT R0016150
AMOUNT \$ 500.00

RECEIVED FROM: EDGEWATER FREE METHODIST CHURCH

FOR: SPHA (C) FILING

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

#3A JLL No. 056170

PAID RECEIPT

PROCESS ACTUAL TIME
7/20/1998 7/20/1998 12:50:14
REQ W003 CASHIER PWES PEN DRAWER 3
5 MISCELLANEOUS CASH RECEIPT
Receipt # 051436 OFLN
CR NO. 056170

500.00 CHECK
Baltimore County, Maryland

99.34-SPHA

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-34-SPHA
2515 Brannon Avenue
MWC Marine and Welch Avenue
15th Election District
7th Councilmanic District
Legal Owner(s):

Edgemere Free Methodist Church

Special Hearing: to confirm a new church or other building for religious worship that will not contain a sanctuary; to confirm that the site and building comply to the extent possible with RTA use requirements; to confirm a modified parking plan; and a waiver of DPW standards for curb, gutter and sidewalks.

Variance: to permit a front setback of 29 feet in lieu of the required 40 feet; to permit a rear setback of 8 feet in lieu of the required 40 feet and a side setback of 13 feet in lieu of the required 30 feet; to permit a parking lot and driveways without a durable and dustless surface, without stripping, and with a common aisle as shown and without a 7% landscaped island or area; or in the alternative to the special hearing, RTA modification to permit RTA buffers of as little as zero feet and RTA setbacks of as little as 3 feet in lieu of the required 50 feet and 75 feet, respectively.

Hearing: Monday, August 31, 1998 at 10:00 a.m., in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

8/135 Aug. 13 C250610

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/13/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/13/, 1998.

THE JEFFERSONIAN,

A. Henricson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

H.O.H. &
RE Case No. 99-34 SPHA
Petitioner/Developer: EDGEMERE FREE METHODIST CHURCH, ETAL
C/O NEWTON WILLIAMS
Date of Hearing/Closing 8/31/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention Ms Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at BRANNON AVE, WELSH AVE
& S. MARINE AVE. ONSITE

Sign(s) were posted on 7/22/98
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 8/18/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)

99-34-SPHA
H.O.H.
BRANNON AVE.
EDGEMERE FREE METH. CHURCH
8/31/98
P. 7/22/98

99-34-SPHA

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 34
Petitioner: Edgemere Free Methodist Church
Address or Location: 2515 Brannan Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Pastor Tim Rush
Address: Edgemere Free Methodist Church
2515 Brannan Ave.
Baltimore, Md. 21219
Telephone Number: 410-417-5340

Revised 2/20/98 - SCJ

99-345PNA

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-34-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL HEARING - TO CONFIRM A BLDG. FOR RELIGIOUS PURPOSES AS OF RIGHT COMPLYING AS POSSIBLE TO RTA REQUIREMENTS AND APPROVE A MODIFIED PARKING PLAN. VARIANCES FOR A 29 FT. FRONT, 8 FT. REAR, AND 13 FT. FRONT SETBACKS IN LIEU OF 40', 40' AND 30' RESPECTIVELY, PARKING VARIANCES FROM LANDSCAPE, ^{SURFACE} ~~SEPA~~ AND LAYOUT REQUIREMENTS AND IF NECESSARY, SITE VARIANCES FOR RTA SETBACKS AND BUFFERS OF AS LITTLE AS 3 FT. AND 0 FT. IN LIEU OF 75 FT. AND 50 FT. RESPECTIVELY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
August 13, 1998 Issue - Jeffersonian

Please forward billing to:

Pastor Tim Rush
Edgemere Free Methodist Church
2515 Brannan Avenue
Baltimore, MD 21219

410-417-5340

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-34-SPHA
2515 Brannon Avenue
NWC Marine and Welch Avenue
15th Election District - 7th Councilmanic District
Legal Owner: Edgemere Free Methodist Church

Special Hearing to confirm a new church or other building for religious worship that will not contain a sanctuary; to confirm that the site and building comply to the extent possible with RTA use requirements; to confirm a modified parking plan; and a waiver of DPW standards for curb, gutter and sidewalks. Variance to permit a front setback of 29 feet in lieu of the required 40 feet; to permit a rear setback of 8 feet in lieu of the required 40 feet and a side setback of 13 feet in lieu of the required 30 feet; to permit a parking lot and driveways without a durable and dustless surface, without stripping, and with a common aisle as shown and without a 7% landscaped island or area; or in the alternative to the special hearing, RTA modification to permit RTA buffers of as little as zero feet and RTA setbacks of as little as 3 feet in lieu of the required 50 feet and 75 feet, respectively.

HEARING: Monday, August 31, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson, Maryland



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 20, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

HEARING OFFICER HEARING

PROJECT NAME: Edgemere Free Methodist Church

Project Number: 15-676

Location: NEC Brannan and Welsh Avenues

Acres: .9302

Developer: Edgemere Free Methodist Church

Engineer: APR Associates, Inc.

Proposal: 3,840 square feet Church and Office/Classroom Building

***** AND *****

CASE NUMBER: 99-34-SPHA

2515 Brannon Avenue

NWC Marine and Welch Avenue

15th Election District - 7th Councilmanic District

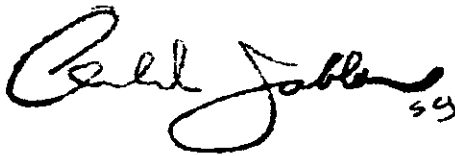
Legal Owner: Edgemere Free Methodist Church

Special Hearing to confirm a new church or other building for religious worship that will not contain a sanctuary; to confirm that the site and building comply to the extent possible with RTA use requirements; to confirm a modified parking plan; and a waiver of DPW standards for curb, gutter and sidewalks. Variance to permit a front setback of 29 feet in lieu of the required 40 feet; to permit a rear setback of 8 feet in lieu of the required 40 feet and a side setback of 13 feet in lieu of the required 30 feet; to permit a parking lot and driveways without a durable and dustless surface, without stripping, and with a common aisle as shown and without a 7% landscaped island or area; or in the alternative to the special hearing, RTA modification to permit RTA buffers of as little as zero feet and RTA setbacks of as little as 3 feet in lieu of the required 50 feet and 75 feet, respectively.



HEARING NOTICE
CASE NO. 99-34-SPHA & EDGEMERE FREE METHODIST CHURCH
PAGE 2

HEARING: Monday, August 31, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson, Maryland

A handwritten signature in black ink, appearing to read "Arnold Jablon" with a stylized flourish at the end.

Arnold Jablon
Director

c: Newton A. Williams, Esquire
Edgemere Free Methodist Church

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 16, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
2515 Brannon Avenue, NWC Marine and
Welch Avenues, 15th Election District,
7th Councilmanic

Legal Owners: Edgemere Free Methodist Church

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-98-34-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of August, 1998, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plumbhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: August 10, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

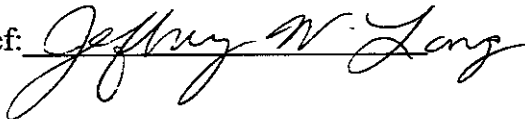
SUBJECT: Zoning Advisory Petitions

The Office of Planning submitted Development Plan comments regarding the Edgemere Free Methodist Church on August 5, 1998 (see attached).

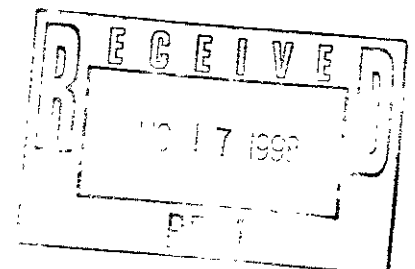
Item No. 34

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief:



AFK/JL



INTEROFFICE CORRESPONDENCE

Date: August 12, 1998

SUBJECT: Zoning Advisory Committee Meeting
for August 10, 1998
Item No. 034

Approval of the final landscape plan is subject to any conditions that may arise from this hearing.

ZONE810.034

Due Date: 8/10/98

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB/98*

SUBJECT: Zoning Item #34

Edgemere Free Methodist Church

Zoning Advisory Committee Meeting of

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

AUGUST 7, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ESCO, LTD. 043
424 VA/TOWSON LIMITED PTNP. USE PERMIT
ELDEN E. LEBRUN AND GERALDINE D. LEBRUN 042
EDGEMERE FREE METHODIST CHURCH 034
THOMAS G. MITCHELL 032
HOLSAN DEVELOPMENT CORPORATION 028

Location: DISTRIBUTION MEETING OF AUGUST 3, 1998

Item No.: 028, 032, 034, 042, USE PERMIT Zoning Agenda:
043

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F





Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

December 15, 1998

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
502 Washington Avenue, Suite 700

RE: DEVELOPMENT PLAN & PETITIONS FOR SPECIAL HEARING & VARIANCE
NE/Corner Brannan & Welsh Avenues
(2515 Brannan Avenue)
15th Election District – 7th Councilmanic District
Edgemere Free Methodist Church – Owner/Developer
Case Nos. XV-676 & 99-34-SPHA

Dear Mr. Williams:

This letter is to confirm our recent telephone conversation regarding the above-captioned matter and scheduling of same for a continued hearing on Tuesday, December 29, 1998 at 9:00 AM. The hearing will be held in Room 407 of the County Courts Building in Towson.

I have reset this matter for hearing in view of Mr. Ed Schmaus' written memorandum of November 10, 1998 and the prior Order entered in this case on September 14, 1998. That Order stated on Page 7 that the hearing would be continued once a suitable outfall was substantiated.

I look forward to seeing you on that date and please call me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Pastor Timothy Rush, Edgemere Free Methodist Church
2510 Brannan Avenue, Baltimore, Md. 21219
Mr. Alexander P. Ratych, APR Associates, Inc.
7427 Harford Road, Baltimore, Md. 21234
Mr. & Mrs. James F. Sellers, Jr., 2415 Carolyn Avenue, Baltimore, Md. 21219
Mr. James W. Patterson, 2505 Welsh Avenue, Baltimore, Md. 21219
Mr. Dave Flowers, DPDM; DEPRM; DPW; R & P; People's Counsel; Case File



To Whom It May Concern,

I am unable to be present today, but I very much want to express my feelings towards the new building for Edgemere Free Methodist Church. I have been a new member of two years and live a few streets away from the Church. Our Church (the people within the building that sits there) are loving people who want to share God's Word and his love with the community of Edgemere.

The world we live in, including areas within Edgemere, is filled with violence, people who hurt and destroy, who tear down. In our community there are more bars than there are churches. We need and want very much to do something to change this type of living. Within our Church I have seen ministering to the needs of hurting people; such as, helping people in need of clothing and food, families ministered to in times of illness and bereavement, families who were falling apart put back together, young people involved in learning about God and doing good things in the neighborhood, instead of being out on the street doing wrong.

We need very much to have a new building, as our Church is growing. As more lives are being touched for the Lord, our community becomes a better place to live, to raise children who some day will be adults living good and godly lives instead of hurting and destroying lives.

I pray your hearts would be sensitive, and opened to see that this would be one of the best things that could happen to Edgemere, to any community. We would not be taking up anymore space than we already have, we would have a larger building to invite people to come to worship, to study God's Word.

Thank you for listening and may you make the decision to allow us to begin to build our new building.

Sincerely,

A handwritten signature in cursive script that reads "Jeannie Hickey". The signature is written in dark ink and is positioned above the printed name.

Jeannie Hickey

Louis J. and Stephanie M. Heitman
2415 Manning Ave
Baltimore, MD 21219

The Zoning Commission
401 Bosley Ave
Room 407, County Courts Building
Towson, MD 21204

To Whom It May Concern,

We reside across the street from the proposed site for the new Edgemere Free Methodist Church. We have reviewed the plans and are in full agreement with them.

Sincerely,

Louis J. Heitman Jr.
Stephanie M. Heitman

APR Associates, Inc.,

RE: Edgemere Free Methodist Church

The construction of a new church, in our opinion, is long overdue. My husband, born and raised in Edgemere, has lived in the area for 33 years. My father worked at Bethlehem Steel for 32 years. We lived in Sparrows Point and moved in 1971. We both have moved to this community in order to raise our two children. It is not an overdeveloped area. Nor is it an underdeveloped area. In the last 6 years, we've seen repairs repeatedly made to the church. I've sat on the Executive Board at Edgemere Elementary School and have experienced similar activities with the "old" school building. As community needs grow, so should our schools and churches. We are very much in favor of a new church being built.

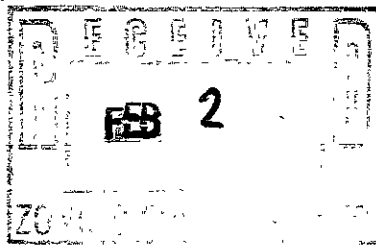
In addition to filling the needs of the community, we feel the proposed new church will add structural beauty to the area.

In conclusion, we are looking forward to a change for the better, for Edgemere Free Methodist Church. As well as an improvement to the community as a whole.

Sincerely,

Mr. & Mrs. Lee Mullins, Sr.

Mr. and Mrs. Lee Mullins, Sr.
2413 Manning Ave., Edgemere



Edgemere Wm Ch
re:XV-676 and ~~99-SPHA~~

Dear Mr. Schmidt:

I am in receipt of the copy sent out of the order.

99-34-SPHA

While we all have to live with this order that benefits those involved with that church, I would like to clarify that I did not say that I objected to their request. I am opposed as I said to a complex. At the meeting I was able to attend, I brought out the fact that when my family and relatives sold a portion of what used to be my grandparents land, in the 60's for the construction of the existing pumping station, that we assumed drains were then being put in. You indicated I was referring to all of Edgemere when in fact this is Sparrows Point. Edgemere is further up the highway. Some members of that church do live up that direction. There are people who attend that church who also live on the very streets affected by the development but not all are property owners and only then a few. At the meeting that I was able to attend, I heard a person state that water would not be directed to the existing creek under critical bay area rules and yet this order states that storm water would be directed to Jones Creek, a nearby water resource. I can understand why some of my neighbors said that it was probably pointless to attend the meetings because they felt that if things are going to be put through they will be even against what was said as not being allowed. We always have been told this. I stated in front of people at the meeting that I was able to attend that I have no objection to just a church but I object to multiple buildings in view of all there and I said so again in a phone call to your office. And I mentioned things about traffic. As I understand the rules, no roadway can be a potential cause for panic. Also, I did say

on the phone that water does still run off of these roads onto property. Repaving these roads involved in this neighborhood when not needed only dumps more water into yards on some of these roads. No considerations are given to the height of these roads. The people I talked with all have water running into their yards. One said that it comes into her yard as far as her rose bush which is far into her yard. Everyone I talked with have paid taxes far longer than anyone at the meeting I attended. To say that this water problem will be directed to Jones Creek is exactly what was said was never allowed. In the past even ditches were rarely cleaned out for storm drainage and even the one once alongside the existing church property on the side of Manning Avenue is closed and many years ago was there as it does continue on the edge of property located behind this existing church. The people who attend this church and are of this faith do not all live on these streets yet some may. Few do and others who do, rent. Some may have moved away and still attend this church. I hope all who attended these meetings and who attend the church, were required to sign a form as were the protestants when they attended. They indeed are for this development that will affect the neighborhood and they should have their names and addresses in the record as having appeared for the record instead of clearly only requiring protestants to give theirs. I would hate to be clearly discriminated against. If indeed they all live in this neighborhood, their addresses will reflect that they do. I am not opposed to a church but to other buildings I am as I've said before I see all that as creating traffic problems in what has always been a more or less rural neighborhood free of excessive traffic and noise. I hope that the rumors I heard do not mean that businesses of any kind

will be housed in the midst of this neighborhood on church land supposedly solely for church purposes for freedom of worship. I feel this neighborhood will have tax increases because of all of this and whether or not they are of this faith or not won't matter. I am not opposed to the church but to the other buildings and in the order sent out it stated that I was opposed to the request which is not what I said. I did say that a neighbor was hoping that her taxes would not increase since her taxes have already and she can't understand why. I hope mine don't go up since I am not a member of this church and I haven't done anything to my property but I will be looking to see if they do increase. I would like this letter to be placed in the record to clarify what I said and to clear up any confusion.

If people would keep these ditches open as was planned over 50 years ago, perhaps they would stop forcing rainwater further down streets onto other people's land even before it goes into a storm ditch. It would only take one serious flood to cause serious damage. What I've brought out obviously was not before or the water currently running down Brannen Avenue would have mostly gone into what used to be storm ditches that once were all through this area and now only some exist. My concern on Welsh Avenue is the fact that there is one but the road being much more than a little narrow and again now only a part of what used to be a storm ditch exists. Where it intersects onto S. Snyder Avenue it really is needed and still there is standing water that recently froze into a sheet of ice at that intersection. Why that is I don't understand because that part of the ditch is still there but it still has water running over that end of the road. I hope all these

current ditches stay open and when heavier snow melts or alot of rainy weather comes that they are open to control the water flow before it runs further down onto other people's roads creating frozen sheets of ice and excess water onto other land. Years ago this area was able to help curb excess water with the ditches and could again.

If the current Order has been approved we all will have to live with it. It still remains to be seen how many people will be affected with multiple buildings instead of just a new church. I hope the multiple buildings do not increase taxes for people who drive these neighborhood streets and actually live in this neighborhood.

August 17, 1998

To: The Zoning Commissioner of Baltimore County

From: Ruth Helmick
2503 Pac Lane
Baltimore, Md. 21219

To Whom It May Concern:

I am writing as a long time resident of Pac Lane which is adjacent the Brannan Avenue where the Edgemere Free Methodist Church is desiring a new building. I am completely in favor of this construction. It has been many years since a new building has been constructed in our area. Upon seeing the plans for this building I have become excited as I anticipate it's construction. The church has always sought to present itself as a drawing card to this community. They have done this in many ways one of which has been in the appearance of their buildings. It is refreshing to see an area of our community that is concerned about the cleanliness of the buildings and lawns. It is my prayer that the witness of this church in the community will help the complete appearance of my community.

Please know that I am in favor of this construction and anticipate the day the first shovel digs the dirt! I believe that this will only elevate the beauty of our town.

Sincerely,

Ruth Helmick

A handwritten signature in cursive script, appearing to read "Ruth Helmick", written in dark ink.

0-30-98
To whom it may concern,

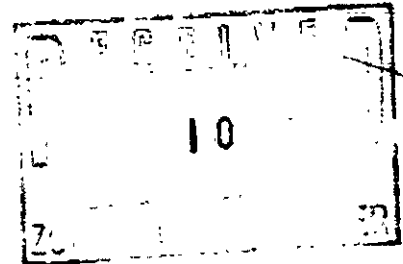
I am a member of the community where the Edgemere Free Methodist Church plans to build a new church. I favor this plan because the old church is too small for the congregation.

Thank you,
Steven P. Janard
2409 Ruth Ave.
Baltimore Md 21219

NOVEMBER 10, 1998

TO: LAWRENCE SCHMIDT
ZONING COMMISSIONER

FROM: ED SCHMAUS
DEPRM
STORM WATER MANAGEMENT



RE: EDGEMERE FREE METHODIST CHURCH
STORM WATER MANAGEMENT OUTFALL

I inspected the site of the proposed EDGEMERE FREE METHODIST CHURCH and the surrounding area. It appears that the runoff from this site will not be increased as a result of this project since a large area of slag will be removed and the proposed parking lot will store a substantial quantity of runoff. The proposed improvements to the site will not change the runoff characteristics or the drainage patterns. Therefore, this office has determined that there is a suitable outfall for this project.

To Whom It May Concern:

Concerning the Edgemoor Free Methodist Church on Diannon Ave.

They should be able to rebuild there to Church, since they have the space.

They are very helpful with the youths in the community. They are helping to keep the kids off the streets, by giving them some place to go.

My children, and grandson, plus myself, attend the Edgemoor Free Methodist Church.

I bought my house on Carolyn Ave in 1965 and have lived in this area since 1954.

Please help to save our community by allowing the Church to rebuild.

Thank you
Mary Shuflett
2413 Carolyn Ave.
Bact. Ms. 2/2/19

8/15/98

To Whom It May Concern,

I'm writing this letter on behalf of myself and family. I grew up in Edgemere and attended the Edgemere Free Methodist Church, as a child. I now am a homeowner in the community and I am in favor of a new church. I would like to see a bigger church to house all our community members.

Thank You,

Anna Tiemann
2410 Carolyne Ave.
Baltimore, Md. 21219

To whom it may concern, Aug. 27, 1998

As a member of the community where the Edgemere Free Methodist Church plans to build a new church, I am very enthusiastic about the new building. My husband and I are very much in favor of this new building, the old church is really in need of a lot of repairs and is too small for the congregation. We hope everything will proceed as planned for the new church.

Linda & Robert Barr
2417 Carolyne Ave.
Baltimore, Md. 21219

8/30/98

To Whom It May Concern,

This letter states my belief that I have no objections to the construction of a building to be used by Edgemere Free Methodist Church.

In my opinion it is extremely important for a congregation to have a modern place to worship.

If I can be of any further assistance, please contact me.

Sincerely,

Deborah S Barkley

2417 Matthai Ter
Baltimore, MD 21219
410 388 0709

To Whom It May Concern -

We are very much in favor of the
Edgewood Free Methodist Church building a new
church in our neighborhood.

Mrs. Charles J. Thurst
Mrs. Helen J. Thurst
2600 Branner Ave.
Baltimore, MD. 21219

PDN -15-676

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

ALEXANDER P. KATYCH

7427 HARTFORD ROAD, BETHesda 20814

RICHARD TRUELOVE

406 W. PENNSYLVANIA AVE
TOWSON MD 21204

Newton A. Williams

502 Wash. Ave. 21204



PLEASE PRINT CLEARLY

CITIZENS

~~PROTESTANTS~~ SIGN-IN SHEET

NAME

ADDRESS

JAMES M Forbes
Rev. Timothy A RUSH
STEVE BETORICK
William Shkor Jr
Juli Shkor
HERB HARRISON
ANTHONY F. DIODATO
CAROLYN D. GILLUM
Lovey Lane
Patricia Schoff
Anthony Vallan

2854 A Lodge Farm Rd 21219
2510 BROWNAW AVE. 21219
305 BROAD ST. MONTGOMERY, PA.
8515 Esquire Rd 21219 '17754
8515 Esquire Rd 21219
2912 SPARROWS RT. RD. 21219
2513 LAKEVIEW AVE 21219
2508 LAKEVIEW AVE 21219
503 S. 45TH ST Balto MD 21224
8164 Gray Haven Rd 21222
8164 Gray Haven Rd 21222

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME

Roger W Dawling
R. Bruce Seely
Carol McEvoy

ADDRESS

PDM - For Plans Review
DEPRM
Planning

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Norme Sellers
J. I. Sellers
Jesse W. Patterson

2415 Carolyn Ave 21215
" " " "
2505 Welch Ave 21219

PETITIONER(S) SIGN-IN SHEET

Edgemore Church

ADDRESS

Newton A. Williams

502 Wash. Ave., 2/20/4

Richard Thelove

406 W. Pennsylvania Ave

Chick nuthatch

7427 HAZFORD RD - BLDG. 21234

Timothy RUSH

2510 Brawnaw AVE 21219

Jim Forbes

2854A College Farm Rd 21219

Glean Dawson

4115 Eder Rd. 21222



*Newton marked the wrong
Plan as Exhibit 1A*

RESUME: RICHARD TRUELOVE P.E.

Education:

1966-1968	Baltimore Junior College	A.A Engineering(transfer)
1968-1971	Loyola College	B.S. Engineering/Physics
1972-1976	Johns Hopkins University	B.S. Engineering (Evening College)

Professional Registration:

Professional Engineer	Maryland , 1977 , Civil Engineer Pennsylvania, 1991, Civil Engineer
-----------------------	--

Employment:

June 1990 - present	President, Richard Truelove,P.E., Inc.
1981 - 1990	Vice President, Civil Engineer, APR Associates, Inc.
1978 - 1981	Project Engineer, Purdum and Jeschke
1971 - 1978	Engineer, U.S. Army Engineer District, Baltimore

Zoning Experience:

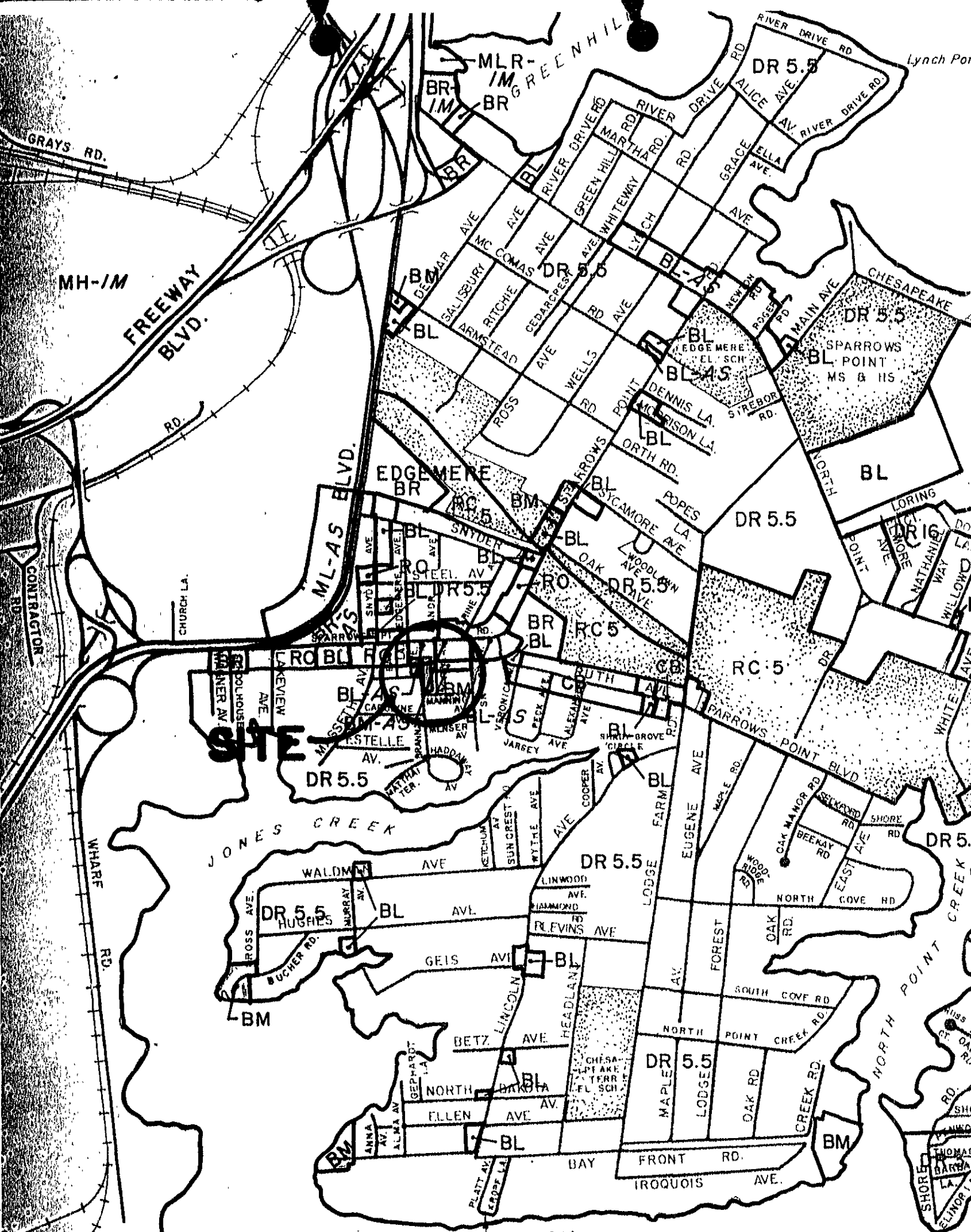
Since 1978 Mr. Truelove has testified on numerous occasions before the Baltimore County Zoning Commissioner, the Board of Appeals for zoning issues and CRG Appeals. Representative clients include:

Stevenson Village (shopping center)
Site Plan preparation and testimony for rezoning and zoning
variances for a shopping center expansion.

P.F. Obrecht Associates, commercial real estate developers
Site Plan preparation and testimony for special hearings and
zoning variances for retail and office development.

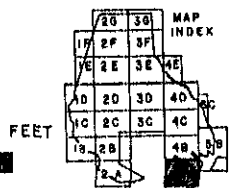
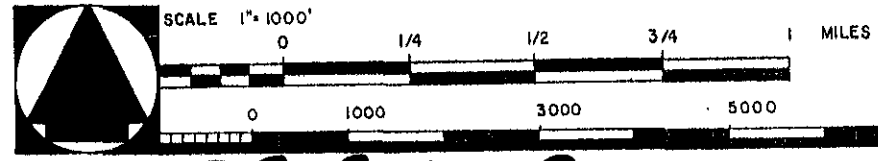
George L. Schnader, Jr., Inc., residential and commercial real estate development
Site Plan preparation and testimony in appeals to CRG Approval
for residential development.

*Ref Ex No
3*



OLD ROAD BAY

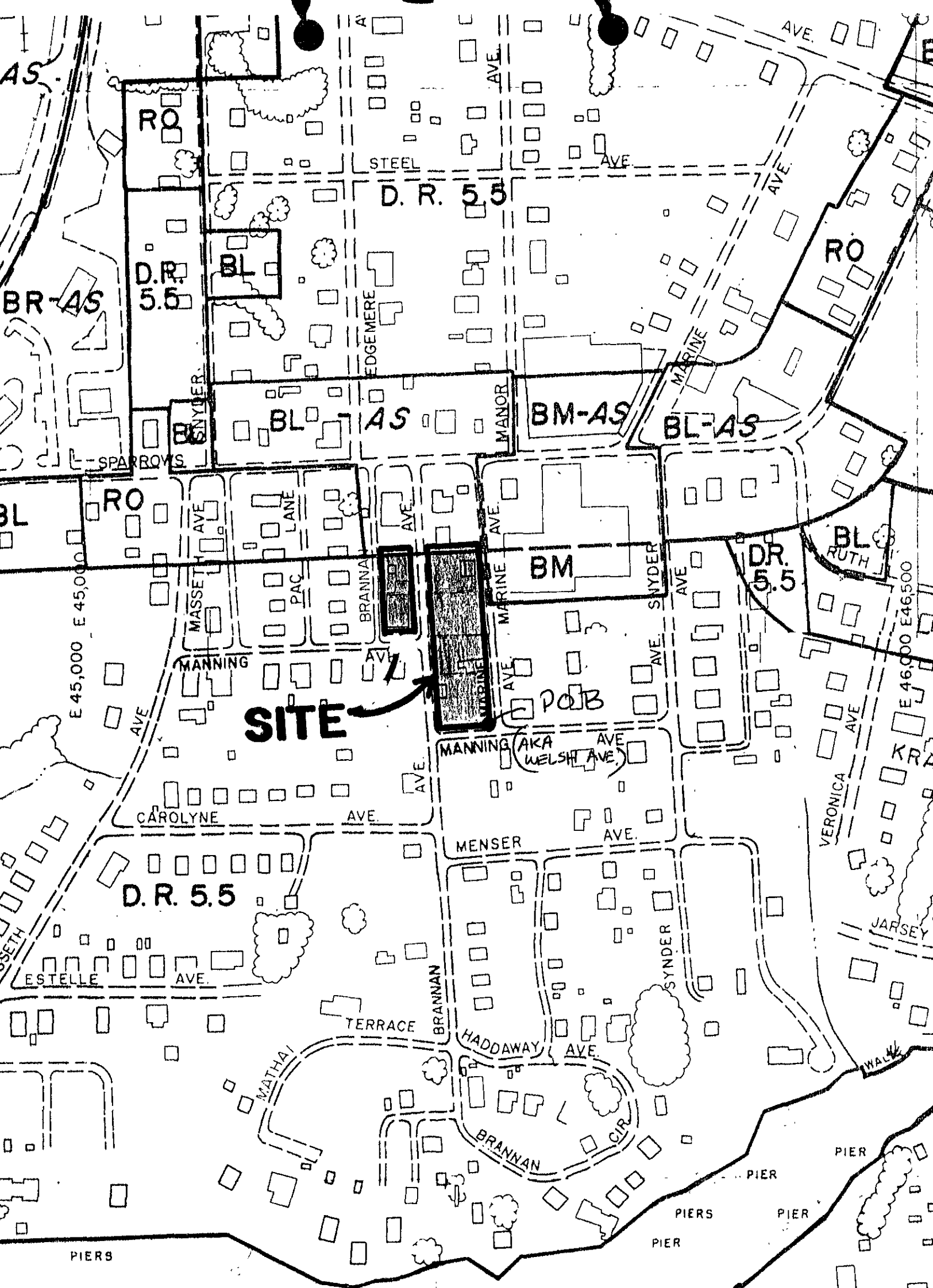
BALTIMORE COUNTY OFFICE OF PLANNING



99.34-3PHA

DUNDALK - PATAPSCO NECK

REVISED
DATE
SEP '94



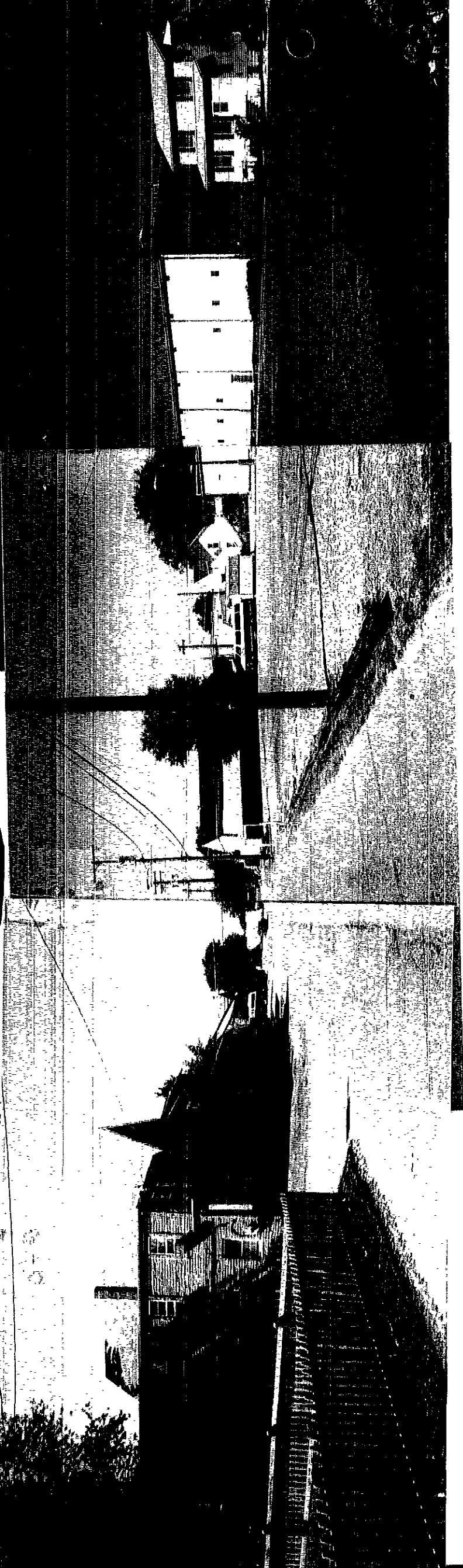
REEK

34

99.34-SPAA

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEETS
1" = 200' ±	EDGEEMERE	S.E.
DATE OF PHOTOGRAPHY	LODGE FOREST	6-H
JANUARY		S.E.
		7-H



2. Looking N on Brannan from 507 Manning Ave. on left.

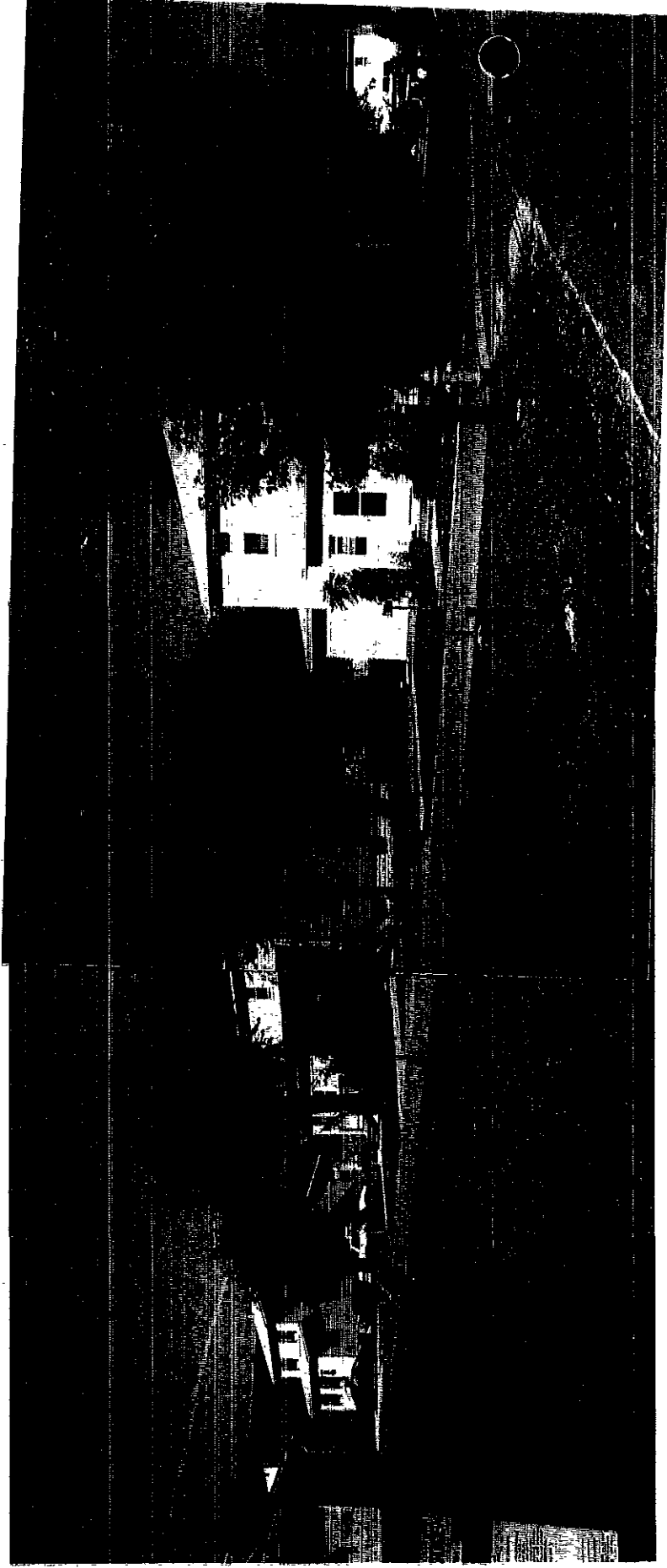
Church

Brannan Ave.

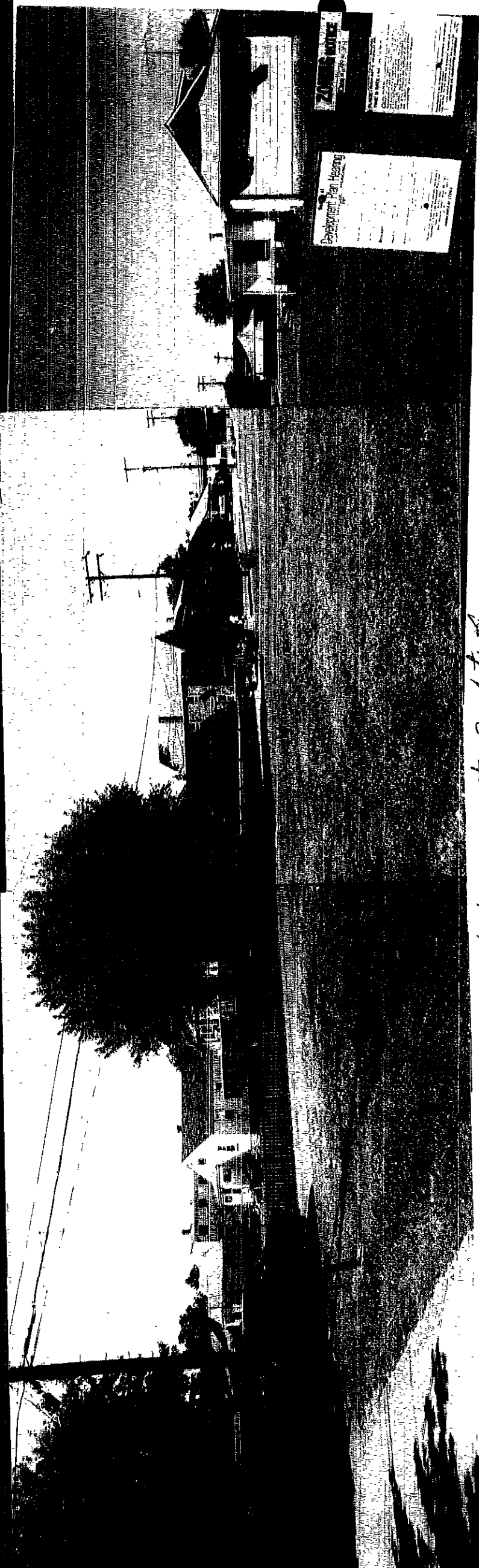
Site

Service Garage

Distribution Center



F. Three houses on E/s of S. Marine, Opposite site from Walsh Ave.



E. Site from SW/C Brennan Ave. at top - Note 2 sets of
Development Signs



41 Present Church and Parsonage,
 NW/C of Brannon Ave.
 and
 Manning Ave.
 2510 Brannon.

Edgemere Free Methodist
 Church.
 2515 Brannon Ave.
 Edgemere
 DDN 15-674.



D. Development Signs and
 house to be razed.

b. No 2



C, Site looking W on Manning, Church on Right



Q. Site

Church

Parsonage.

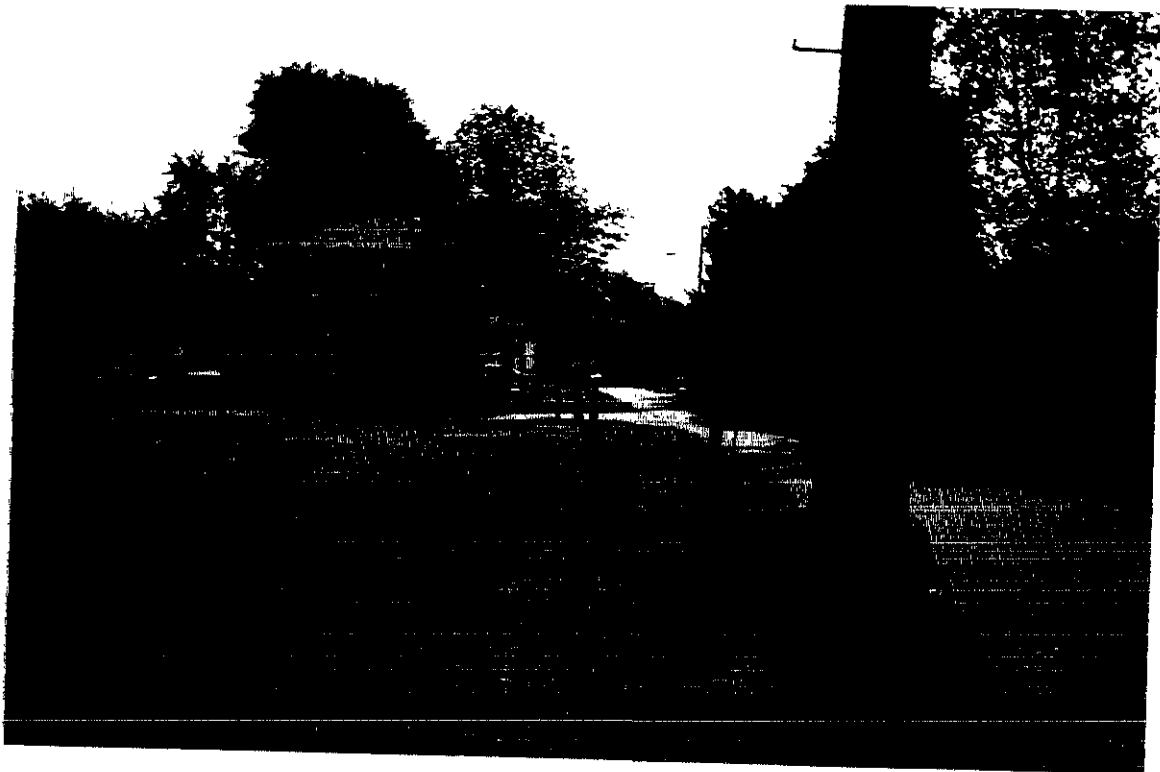
Parking lot.

Service Garage

Looking W on S. Marine Ave.

Distribution Center













photograph
Case 99-34-SPNA



